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5 IN THE UNITED STATES DISTRICT COURT

6 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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8 JAMES SELVITELLA,

No. C 08-04388 WDB

9 Plaintiff,

10 **ORDER FOLLOWING DISCOVERY  
CONFERENCE**

11 v.

12 CITY OF SOUTH SAN FRANCISCO,  
et al.,

13 Defendants.  
14 \_\_\_\_\_ /

15 Having held a discovery conference on June 17, 2009, and considered the written  
16 submissions and arguments of counsel, the Court declines to order that any discovery be  
17 compelled at this juncture, and will decide the discovery disputes after District Judge Wilken  
18 rules on Defendants' Motion for an Order Bifurcating the Claims Under Rule 42(b) and  
19 Staying Discovery on Section 1983 Claims. The Court refrains from ruling now on the  
20 discovery matters only because the Court concludes that to follow any other course would  
21 require making a judgment about the reach of California writ law that should be made by  
22 District Judge Wilken.

23 The Court does permit Plaintiff to discover the full scope of information that Fire  
24 Chief White obtained before he made the decision to terminate Plaintiff.

25 The Court hereby RECOMMENDS that the cutoff dates for fact discovery and expert  
26 discovery be continued by thirty (30) days, and that the last day by which parties must file  
27 dispositive motions also be continued accordingly.

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1       The Court will hold a further telephonic hearing on the joint letter (# 21), Defendants'  
2 Motion to Quash Subpoena (# 23) and Plaintiff's Motion to Compel (#41) on July 29, 2009,  
3 at 3:00 p.m. The parties will coordinate a briefing schedule such that the opposition briefs  
4 will be filed after District Judge Wilken rules on Defendants' motion to bifurcate, and the  
5 reply briefs will be filed by Friday, July 24, 2009.

6 **IT IS SO ORDERED.**

7 Dated: June 17, 2009

  
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WAYNE D. BRAZIL  
United States Magistrate Judge